

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
NWC East Joppa Road and		
Lackawanna Avenue	*	DEPUTY ZONING COMMISSIONER
9 th Election District		
4 th Councilmanic District	*	OF BALTIMORE COUNTY
(1722 East Joppa Road)		
	*	CASE NO. 99-473-SPH
Sarandos & Eva Macris		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for special hearing filed by the legal owners of the subject property, Sarandos & Eva Macris. The Petitioners are requesting a special hearing for property they own at 1722 East Joppa Road. The property is zoned B.R. and D.R.5.5. The special hearing request is to amend the previously approved site plan in Case No. 97-101-A. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the request were: Sarandos Macris, property owner; Vincent Moskunus, professional engineer; and, William Monk, zoning consultant. Appearing as interested citizens in the matter were many residents of the surrounding community, all of whom signed in on the Citizen Sign-In Sheet. In addition, Ms. Donna Spicer, the representative of the Towson-Loch Raven Community Council also attended the hearing.

Testimony and evidence indicated that the property which is the subject of this special hearing relief consists of 0.31 acres, more or less, and is located at the northwest side of the intersection of Joppa Road and Lackawanna Road in the Parkville area of Baltimore County. The subject property is currently improved with a small carry out restaurant. The Petitioners wish to tear down the restaurant and construct a service garage in its place. That matter

ORDER RECEIVED FOR FILING

Date 7/16/99

By J. J. [Signature]

previously came before Zoning Commissioner Lawrence E. Schmidt and was approved by Commissioner Schmidt pursuant to his Order issued in Case No. 97-101-A dated the 23rd day of October, 1996. The Petitioners realized that the design of the previously approved building was too narrow to accommodate larger vehicles, which were to be serviced at this facility. Therefore, they found it necessary to widen the service garage building by a few feet, thereby necessitating the special hearing request to amend the previously approved site plan. There is no change in use proposed by the Petitioners. The only difference between the current site plan and that which was previously approved, is that the building is somewhat wider and somewhat shorter.

As stated previously, several citizens from the surrounding community appeared at the hearing. The citizens are very much concerned over the traffic that currently utilizes Lackawanna Road. The current residents have problems with the Precision Tune service garage located on the opposite side of Lackawanna Road from this property. The residents indicated that the operator of the Precision Tune allows customers to park on the residential street and also allows deliveries of vehicles on Lackawanna Road. This will not occur with the Petitioners' property in that the Petitioners executed an agreement with the Towson-Loch Raven Community Council containing 22 restrictions which regulate the operation of the proposed service garage. Commissioner Schmidt previously incorporated those 22 restrictions into his Order dated the 23rd day of October, 1996, and I shall reincorporate those restrictions in my decision herein.

After considering the testimony and evidence offered by the Petitioners and the concerns raised by the citizens of the surrounding community, I find that the Petitioners' request for special hearing to amend the previously approved site plan in Case No. 97-101-A should be granted.

ORDER RECEIVED FOR FILING

DATE

7/16/99


BY R. J. JAMES

The changes and modifications proposed to be made by the Petitioners are very minor in nature. They do not affect the intended use of the property which is to operate a service garage thereon. Therefore, I have no problem approving the special hearing request and shall re-impose all conditions and restrictions which were previously imposed by Commissioner Schmidt in Case No. 97-101-A.

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, the special hearing request should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of July, 1999 that the Petitioners' Special Hearing request to approve an amendment to the previously approved site plan in Case No. 97-101-A, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired.
- 2) All conditions and restrictions previously imposed by Commissioner Schmidt in his Order dated the 23rd day of October, 1996, be and are hereby incorporated herein and re-imposed upon the Petitioners. These restrictions shall specifically include the 22 restrictions that were agreed upon by the Petitioners and the Towson-Loch Raven Community Council dated October 8, 1996, which were appended to Commissioner Schmidt's decision.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 7/16/99
By J.R. Gipe



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 16, 1999

Mr. & Mrs. Sarandos Macris
109 Tregarone Road
Timonium, Maryland 21093

Re: Petition for Special Hearing
Case No. 99-473-SPH
Property: 1722 E. Joppa Road

Dear Mr. & Mrs. Macris:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. Vincent J. Moskunas
Mr. William Monk
Ms. Donna Spicer

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at #1722 E. Joppa Road
which is presently zoned B.R. and D.R. 505

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to granted zoning case #97-101-A (to reduce the number of parking spaces & widen the existing bldg).

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Sarandos Macris

Name - Type or Print

Signature

Eva Macris

Name - Type or Print

Signature

109 Tregarone Road (410)252-5548

Address

Telephone No.

Baltimore, MD 21093

City

State

Zip Code

Representative to be Contacted:

Vincent J. Moskunas

M&H Development Engineers, Inc.

Name Suite 101, Shell Building

200 E. Joppa Road

(410)828-9060

Address

Telephone No.

Towson, MD 21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2.5 hrs

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 5-25-99

Case No. 99-473-SAH

M&H Development Engineers, Inc.
200 E. Joppa Road
Suite 101, Shell Building
Towson, MD 21286

May 20, 1999

ZONING DESCRIPTION FOR SPECIAL HEARING
#1722 E. JOPPA ROAD

Beginning for the same at a point distant the two (2) following courses and distances from the intersection formed by the centerline of Joppa Road (70' right-of-way) and Lackawanna Road (40' right-of-way): (1) North 20 degrees 55 minutes 45 seconds West, 61 feet and (2) South 69 degrees 04 minutes 15 seconds West, 20 feet to the true point of beginning; thence South 23 degrees 46 minutes 17 seconds West, 35.53 feet; thence South 88 degrees 30 minutes 20 seconds West, 42.17 feet; thence North 26 degrees 22 minutes 45 seconds West, 178.00 feet; thence North 69 degrees 04 minutes 15 seconds East, 84.03 feet and thence South 20 degrees 55 minutes 45 seconds East, 151.00 feet to the PLACE OF BEGINNING. Containing 13,503.6 square feet as recorded in Deed Liber 5467, folio 164



J. Tilghman Downey, Jr.

473

99.473-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Item No. 473
067901

DATE 5-25-99 ACCOUNT R-001-6150

AMOUNT \$ 250.00

RECEIVED FROM: S. MARRIS

FOR: *Personal Special Hearing Fee*
1932 E. Gappa Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

99-473-SPH

CASHIER'S VALIDATION

PAID RECEIPT

PROCESS ACTION

5/25/1999 5/25/1999 10:01:44

RECEIVED CASHIER REC. JMR. DINNER

DEPT 5 1020 ZONING DEPARTMENT

RECEIVED 10/20/94

CR. N. 067901

Receipt Totl 250.00

250.00 OK .00 1/0

Baltimore County, Maryland

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-473-SPH
1722 East Joppa Road
NWC East Joppa Road and
Lackawanna Avenue
9th Election District
4th Councilmanic District
Legal Owner(s):
Eva & Sarandos Macris
Special Hearing: to approve
an amendment to zoning case
97-101-A (to reduce the num-
ber of parking spaces and
widen the existing building).
Hearing: Wednesday, July
14, 1999 at 2:00 p.m. in
Room 407, County Courts
Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

6/374 June 24 C321405

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/24/, 19 99

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 6/24/, 19 99.

THE JEFFERSONIAN,
S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 99-473-SPH
PETITIONER/DEVELOPER:
[Eva Macris]
DATE OF Hearing
[July 14, 1999]

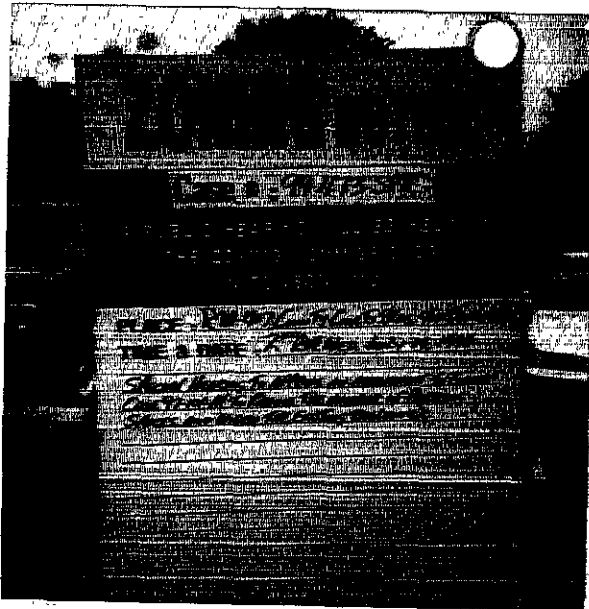
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
1722 East Joppa Road Baltimore , Maryland 21234_____

The sign(s) were posted on _____ 6-28-99 _____
[Month, Day, Year]



Sincerely,


[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ [410]-687-8405 _____
[Telephone Number]

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 473

Petitioner: Sarandos Macris

Address or Location: 1722 E. Joppa Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same

Address: 109 Tregarone Rd.
Timonium, Md. 21093

Telephone Number: (410) 252-5548

Revised 2/20/98 - SCJ

99.473.SPH



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 14, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-473-SPH
1722 East Joppa Road
NWC East Joppa Road and Lackawanna Avenue
9th Election District – 4th Councilmanic District
Legal Owner: Eva & Sarandos Macris

Special Hearing to approve an amendment to zoning case 97-101-A (to reduce the number of parking spaces and widen the existing building).

HEARING: Wednesday, July 14, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a stylized "SJ" monogram below it.

Arnold Jablon
Director

c: Eva & Sarandos Macris
Vincent J. Moskunas

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 29, 1999.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
June 24, 1999 Issue – Jeffersonian

Please forward billing to:

Sarandos Macris 410-252-5548
109 Tregarone Road
Timonium, MD 21093

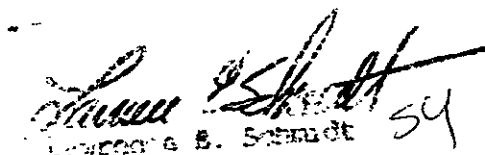
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-473-SPH
1722 East Joppa Road
NWC East Joppa Road and Lackawanna Avenue
9th Election District – 4th Councilmanic District
Legal Owner: Eva & Sarandos Macris

Special Hearing to approve an amendment to zoning case 97-101-A (to reduce the number of parking spaces and widen the existing building).

HEARING: Wednesday, July 14, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 1, 1999

Vincent J. Moskunas
M & H Development Engineers, Inc.
200 E. Joppa Road, Suite 101
Towson, MD 21286

Dear Mr. Moskunas:

RE: Case No.: 99-473-SPH, Petitioner: Macris,
Location: 1722 E. Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 25, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in cursive script, reading "W. Carl Richards, Jr.", followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: June 16, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for June 14, 1999
 Item No. 473

The Bureau of Development Plans Review has reviewed the subject zoning item. Lackawanna Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 40-foot right-of-way.

RWB:HJO:jrb

cc: File

RECEIVED JUN 21 1999

ZAC06149.473



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SOUNG O. YOO & FRED C. YOO- 470
EVA MACRIS AND SARANDOS MACRIS - 473
305 NORTH ROLLING ROAD PARTNERSHIP - 481

Location: DISTRIBUTION MEETING OF JUNE 7, 1999

Item No.: 470, (473) AND 481

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4681, MS-1102F

cc: File

RECEIVED JUN 21 1999

Come visit the County's Website at www.co.ba.md.us



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 6.4.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

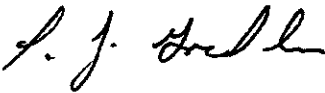
RE: Baltimore County
Item No. 473 JJS

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


10 Michael M. Lenhart, Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
1722 E. Joppa Road, NWC Joppa Rd
and Lackawanna Ave
9th Election District, 4th Councilmanic


Legal Owner: Sarandos and Eva Macris
Petitioner(s)


* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 99-473-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 1999 a copy of the foregoing Entry of Appearance was mailed to Vincent J. Moskunas, M & H Development Eng., Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioners.


PETER MAX ZIMMERMAN

M & H Development Engineers, Inc.
200 E. Joppa Road
Room 101, Shell Building
Towson, MD 21286
(410)828-9060

April 22, 1999

Department of Permits and Development
Management
Mr. Arnold Jablon, Director
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

242
473

RE: Variance Case No. 97-101-A, Item #102
#1722 E. Joppa Road

Dear Mr. Jablon,

This firm is acting as agent for Mr. Sarandos Macris, owner of the above referenced property. It is Mr. Macris' request to widen the existing building and the proposed additions by 7' to accommodate the architectural design for the proposed use as an auto repair facility. This 7' widening area is represented in yellow on the attached plan. Along with the widening, the other changes to the plan are as follows: the provided parking spaces and the floor area ratio. Although these two (2) items change, they remain within the Baltimore County Zoning Regulations. The parking spaces provided decreases from 18 to 12, 11 spaces are required. The floor area ratio increases from 18% to 23%, required F.A.R. is 2.0.

Mr. Macris is hoping for approval of these minor changes in order to eliminate the process of a Hearing Officer's Hearing. If you need any additional information that may clarify questions you may have, please do not hesitate to contact the office. I look forward to hearing from you at your convenience.

Best regards,

Vincent J. Moskunas



Baltimore County
Department of Permits and
Development Management

192

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 7, 1999

Mr. Vincent J. Moskunas
M & H Development Engineers, Inc.
200 E. Joppa Road
Room 101, Shell Building
Towson, MD 21286

Dear Mr. Moskunas:

RE: Variance Case #97-101-A, 1722 E. Joppa Road, 9th Election District
Revised site plan

Your letter to Arnold Jablon, Director of Permits and Development Management has been referred to me for reply. Your client's request is to widen the existing building and the proposed addition by 7 feet as highlighted in yellow on the submitted site plan. Additionally the Floor Area Ratio (FAR) would increase to .23. The configuration of parking spaces would change and the number of spaces would decrease to 12. The approved setback variance would not change.

Due to restriction #3 of the Order (enclosed), I reviewed this matter with Lawrence E. Schmidt, the Zoning Commissioner. Per Mr. Schmidt, since the 22 conditions submitted by the Towson/Loch Raven Community Council are incorporated as part of the Order and, in that one of your client's requests conflicts with one of the conditions (#14), a special hearing to amend the original site plan and Order will be required.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John S. Sullivan, Jr.
Planner II
Zoning Review

JJS:ggs

Enclosure

*no enclosure
attached*

99-473-SPH

Come visit the County's Website at www.co.ba.md.us



IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NWC Joppa Road and Lackawanna *
Road * ZONING COMMISSIONER
1722 E. Joppa Road
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District
Sarandos Macris, et ux * Case No. 97-101-A
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 1722 E. Joppa Road in the Towson/Loch Raven community of Baltimore County. The Petition is filed by Sarandos Macris and Eva Macris, his wife, property owners. Variance relief is requested from Section 238.2 of the Baltimore County Zoning Regulations (BCZR) to allow a side/rear yard setback of 0 ft. to 7 ft. in lieu of the required 30 ft. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case was Sarandos A. Macris, property owner. Also present was his son, Thomas Macris, and William Monk, a Land Use Consultant, engaged by the Petitioner. Numerous residents of the surrounding community appeared and testified in opposition to the request. Serving as spokesman for these members of the community were Wayne Skinner of the Towson/Loch Raven Community Council, Inc., and Donna Spicer. A full record of those who attended and participated at the hearing is contained within the Citizen Sign-in Sheet, which has been placed in the case file.

Testimony and evidence offered on behalf of the Petitioner was that the site is approximately .31 acres in area, split zoned B.R. and D.R.5.5. This property is located at the northwest corner of the intersection of Joppa Road and Lackawanna Road. The property is roughly rectangu-

lar in shape with narrow frontage along Joppa Road but a significant depth along Lackawanna Road. The front portion of the site facing Joppa Road is zoned B.R. This business zoning classification dominates a majority of the site, however, a small strip of the property is zoned D.R.5.5. That area is in the rear of the property towards the residential community along Lackawanna Road. The frontage of the property is commercial in use and appearance, consistent with the use of the commercial business corridor of Joppa Road in this vicinity.

Presently, the site is improved with an existing brick building which is used as a pizza shop. A small freestanding building is also located on the front of the property adjacent to Joppa Road and is used as a snowball stand. The rear portion of the site is improved with an existing one story building most recently used as a dwelling. The existing brick building will be retained, however, additions will be added to both sides thereof so as to create a 5 bay service garage. The snowball stand building will be removed as will the dwelling to the rear. The parking area will also be enlarged and upgraded so as to provide 18 spaces in total. An area of landscaping, to buffer the site from the residential community to the rear, will also be added. All of the proposed improvements are more particularly shown on Petitioners' Exhibit No. 3.

Mr Monk testified extensively about the existing site and proposed improvements as outlined above. He also discussed the need for variance relief as set forth in the Petition. In this regard, the existing building immediately abuts the side property line shared with the adjacent site known as 1720 Joppa Road. That adjoining property is presently utilized as an existing one story seafood sales business. Mr. Monk also described in detail the landscaping which will be installed. An area of heavy landscaping will be placed in the rear of the site to buffer the use from

the residential community which begins on Lackawanna Road immediately to the rear of the subject site. Landscaping will also be upgraded and added around the perimeter of the site. Mr. Monk noted that the proposed building would be 2440 sq. ft. in area and that the means of vehicular access to the property would remain the same. That is, no new curb cut is proposed along Joppa Road, rather, vehicular access will be by way of an entrance/exit onto Lackawanna Road. Mr. Monk's testimony was that variance relief is required because of the unique configuration of the lot. Particularly, he observed that same is very narrow and that strict adherence to the setback requirements would not permit a practically sized building on the property. He also observed that, in that the existing building would be utilized, there would be no greater impact to the neighboring property than what presently exists.

The Protestants who testified are all opposed to the proposed use of the property. They expressed legitimate concerns over traffic, noise and impacts associated with the proposed service garage. However, as I noted at the hearing, the matter before me is not a "use" case. The Baltimore County Zoning Regulations expressly permit service garages on any property zoned B.R. Thus, the use proposed here is permitted by right. The narrow question presented by the Petitioner is whether setback variance relief should be granted.

Nonetheless, the Petitioner has apparently made efforts to satisfy the surrounding community. In this regard, a list of 22 conditions was submitted by Mr. Skinner on behalf of the Towson/Loch Raven Community Council. The items on this list, dated October 8, 1996, (copy attached hereto) have been agreed to by the Petitioner. Thus, pursuant to the request by the parties, the items on this list shall be added as conditions precedent to the relief granted herein. In my judgment, these

restrictions are appropriate and it is hoped that they will give the residents some measure of comfort with regard to the potential impact of the proposed business.

In any event, turning to the Petition for Variance, it is clear that same should be granted. I am persuaded that the Petitioner has satisfied the requirements of Section 307 of the BCZR and the case law. The uniqueness of this property is based upon its configuration and narrow width. Strict adherence to the setback regulations is not practical or possible. Moreover, there was no evidence that the grant of the relief would cause adverse impact on the directly affected property containing the seafood sales operation (1720 Joppa Road). The proposed use will not be any different from the existing location of the building and present setback. Lastly, I find that strict adherence to the zoning regulations would cause a practical difficulty upon the Petitioner, in that an insufficiently sized building envelope would result if variance relief were denied.

Finally, it is to be noted that the Protestants also requested that a sidewalk be placed along the entire length of the property along Lackawanna Road. Although a sidewalk is shown on a portion of the property, the Petitioner does not wish to extend same beyond the location as shown on the plan. The community believes that this sidewalk is appropriate and will be helpful to residents and employees who work in the nearby elderly home.

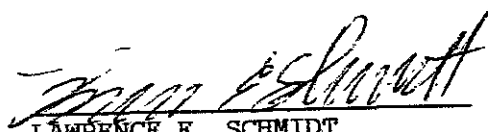
Upon due consideration, I will not require further extension of the sidewalk. Such extension has not been requested by the Dept. of Public Works, or any other County agency, as part of its review process. Moreover, based on my site visit, extension of the sidewalk is not warranted. I noted that the adjacent property down Lackawanna Road does not have a sidewalk, thus, extending the sidewalk on the subject property does not

provide a pedestrian passageway to the interior residential community. I will, however, impose the conditions set forth above, as well as the comments set forth above, as well as the comments offered by the Zoning Plans Advisory Committee.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of October, 1996 that a variance from Section 238.2 of the Baltimore County Zoning Regulations (BCZR) to allow a side/rear yard setback of 0 ft. to 7 ft., in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, the Office of Planning and the Development Plan Review Division, are adopted in their entirety and made a part of this Order.
3. The Petitioner shall comply with the 22 conditions submitted by the Towson/Loch Raven Community Council, dated October 8, 1996, (copy attached hereto).
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm



Towson - Loch Raven Community Council, Inc.
P.O. Box 27682
Towson, Maryland 21285-7682

October 8, 1996

1722 E. Joppa Road - Proposed Restrictions

- 01) Days of operation - Monday thru Saturday. *OK*
- 02) Mechanical hours of operation
Monday thru Friday - 8:00 am to 6:00 pm *OK*
Saturday - 8:00 am to 4:00 pm
Sunday - closed
- 03) Office hours of operation - one hour before and one hour after *OK*
mechanical hours.
- 04) No parking for staff and/or customers on Lackawanna Road. *OK*
- 05) Delivery trucks for service garage can not exit via
Lackawanna Road thru the neighborhood. Must use *OK*
Lackawanna Road directly to E. Joppa Road.
[when leaving the lot, vehicles must turn right]
- 06) Dumpster - affix dumpster to a concrete pad and provide a *OK*
board on board fence to screen the dumpster. It will be
located on the north side of the site.
- 07) Building - exterior to be constructed with brick skin, *OK*
cordory block or similiar treatment.
- 08) Fencing - board on board fencing between residential areas *OK*
and business use. Owner must agree to maintain fence.
- 09) Buffer - landscaping between residential areas and business *OK*
use. Owner must agree to maintain buffer.
- 10) Lighting - shield away from residential areas. *OK*
- 11) Landscaping along E. Joppa Road - one parking spot removed *OK*
to provide more area for landscaping (will be ten feet).
- 12) Maintenance of Landscaping - owner is responsible for the care *OK*
and maintenance of landscaping. Dead bushes, trees, flowers,
etc. are to be replaced by owner.

O V E R

- 5) The owners shall submit for review and approval a landscape plan to the County's Landscape Architect. The details of this plan shall be mutually agreed by the owner and the County's architect. Particular emphasis shall be given to screen the nearby residences. *OK*
- 14) Provide ample parking on commercial site (5 bay and about 13 spaces are to be provided). *OK*
- 15) Signage - use existing pole. Nothing should be added to the base of the pole. It could block drivers' vision when coming out of Lackawanna Road. *Sign will be same as old one* *OK*
- 16) The owner shall not allow damaged or disabled vehicles to be stored outside of the service garage. *OK*
- 17) Untagged vehicles will not be stored on the site or on the public street nearby. *OK*
- 18) No vehicles shall be sold from this location. *OK*
- 19) Customers' cars are not to be test driven throughout the neighborhood - Lackawanna Road, Wayne Avenue and Emge Road. *OK*
- 20) Residue from cleaning the service bays is not to be washed or placed into the storm drains. *OK*
- 21) There shall be no underground tanks or sale of fuel on the site. *OK*
- 22) Upon request and reasonable notice, the owner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Zoning Commissioner's Order. *OK*

Wayne Skinner

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

send copy to
her - she will distribute

NAME

ADDRESS

DONNA SPICER

Cromwell Coventry Community Assoc.
Lock Haven Community Council
Lock Haven Business Assoc.

G. C. COCHRAN

G. C. Cochran

Smay & Gary Novatka

Harry & David Woodward

Robert E. Kelly

8719 Eddington Rd Balto 21234

8738 LA. CLAWSON AVE

8730

8728 Lackawanna Ave

8719 Lackawanna Ave

8743 Lackawanna Ave

NO. 1722 E. JOPPA ROAD



200 East Joppa Road
Room 101, Shell Building
Towson, Maryland
828-9060

NE 10 C

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard IV
Chairman, County Council

473



ADJACENT LAND USES WESTSIDE



*Ref 3
2A*

WILLIAM MONK, INC.

ENGINEERS • PLANNERS

1722 E. JOPPA ROAD

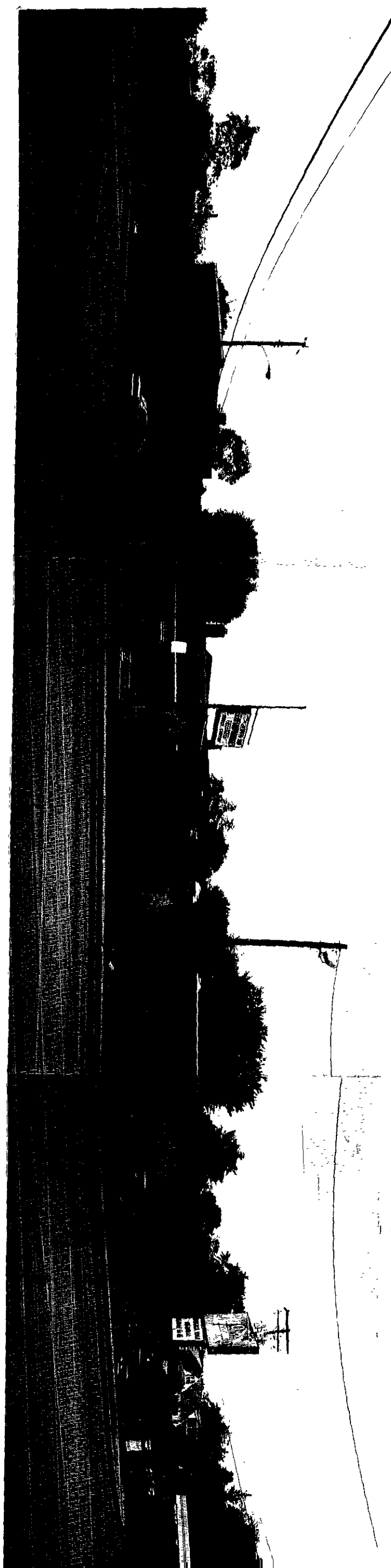


JB

WILLIAM MONK, INC.

ENGINEERS • PLANNERS

SOUTHSIDE EAST JOPPA ROAD



22

COURTHOUSE COMMONS

• 410-494-8931 • FAX 410 494-9903

ADJACENT LAND USE NORTHEAST CORNER JOPPA ROAD AT LACKAWANNA ROAD



WILLIAM MONK, INC.

ENGINEERS • PLANNERS

LACKAWANNA ROAD

**VIEW LOOKING
NORTH**



**VIEW LOOKING
SOUTH**



WILLIAM MONK, INC.

ENGINEERS • PLANNERS

ADJACENT LAND USES NORTHSIDE



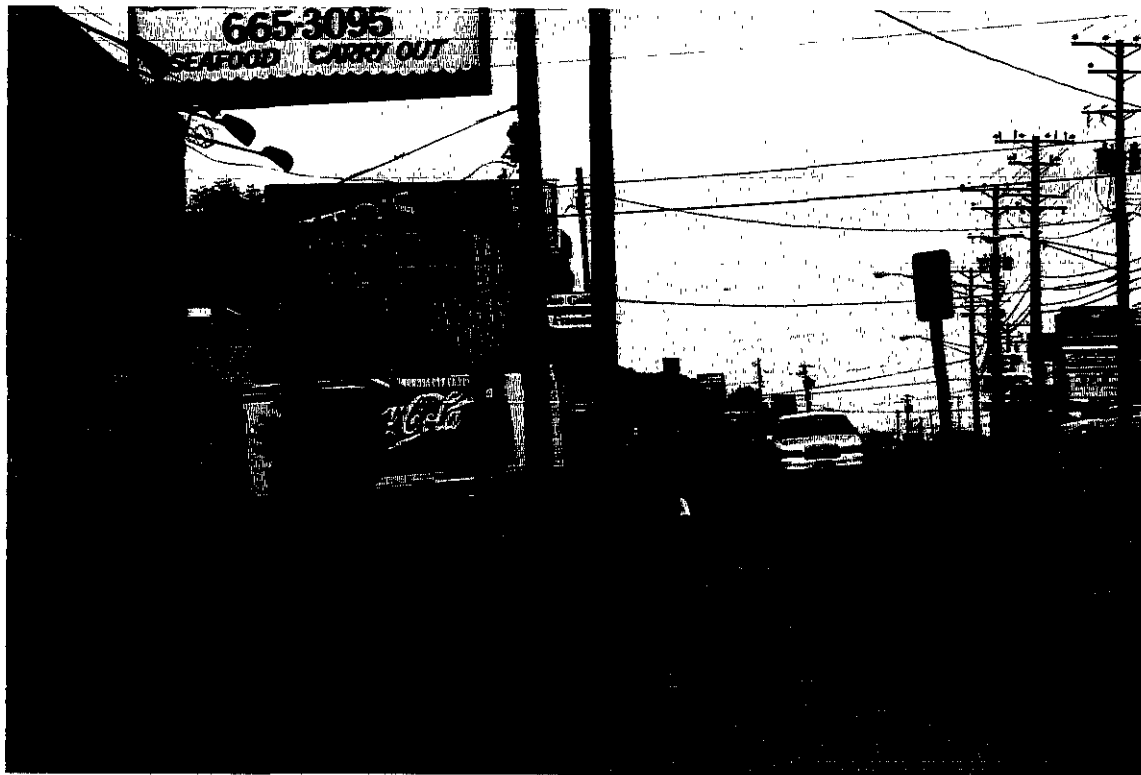
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WEST PROPERTY LINE AREA OF VARIANCE



EXISTING LANDSCAPED EDGE ALONG EAST JOPPA ROAD



EXISTING LANDSCAPED EDGE ALONG LACKAWANNA ROAD



#99-473-SPH
MACRIS

WILLIAM MONK, INC.

ENGINEERS • PLANNERS

JOPPA ROAD

EASTBOUND



WESTBOUND

